

ARE YOU BEING SUED FOR A DEBT? WHAT TO DO AFTER YOU FILE AN ANSWER

Q1. What happens in my case after I file my Answer?

A. The next step is a “Case Management Conference.” This is a Court date that is scheduled by the Court, but this IS NOT the trial date! The Case Management Conference is just to help the Court keep track of the case and make sure it is proceeding as it should. The Court wants to see if the parties settled any issues, if they need to get information from each other, whether they want to participate in a settlement process, or if they are ready for the Court to schedule the trial date.

Q2. How do I know when the Case Management Conference date is?

A. You may receive a notice with the Summons and Complaint or by mail. If you do not get a notice, you can contact the court clerk or check online by going to www.lasuperiorcourt.ca.gov, clicking on “Civil” then “Case Summaries” and typing in your case number. Not all courthouses require you to go to Court on that date. Unless the Notice tells you NOT to attend, then you must go to court.

Q3. Do I Need to do Anything Before the Case Management Conference date?

A. Yes. Both parties must do 2 things before the date of the Case Management Conference:

- 1) Contact the other party (by phone, mail, in person, fax) at least 30 days before the date to discuss settlement of issues in the case. If you reached an agreement about any issues in the case, let the Court know by putting it in your Case Management Statement; and,
- 2) File a “Case Management Statement” at least 15 days before the date.

Q4. What happens if I do not file my Case Management Statement or do not attend the Case Management Review date in Court?

A. The Court could fine you a few hundred dollars if you do not file your Case Management Statement or do not attend the hearing date if your Court is one that requires you to attend.

Q5. Do I Have to Wait until Trial to Settle my Case?

A. No. You can settle the case at anytime up until the trial. Call or write the attorney who filed the lawsuit and discuss a settlement. Let the Court know if you reach a settlement.

Q6. Will I receive any other legal papers in my case?

A. You may. The attorney who filed the lawsuit against you may send you “Discovery.” These are legal papers that ask you for information, including trying to get you to admit certain statements or requesting documents from you. You must respond to Discovery within 30 days if you receive them in person or 35 days if received by mail. You send your responses by mail to the attorney who sent the Discovery, not to the Court. Your responses can be used against you at trial.

Q7. How do I know if the papers I received are Discovery?

A. There are different types of Discovery, but the main ones used in debt collection cases are called: 1) Interrogatories (Form, Contention, or Special), which are questions, 2) Request for Production of Documents, which ask if you have certain documents, and 3) Request for Admissions, which ask you to admit that certain statements are true. If you receive any other papers from the attorney or the Court, and you do not understand them, return to the Center for assistance.

Q8. What happens if I do not respond to Discovery?

A. If you do not respond or respond too late, the Court could charge you a fine of several hundred dollars and/or could cancel your Answer and the other party could win the case.